

PJS:GMT:jm

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AMARIS RAMOS AND PEDRO ARCE:

Co-Administrators of the ESTATE OF :

PEDRO ARCE, JR., and in their own :

right, :

Plantiffs, :

V. :

THE UNITED STATES OF : CIVIL NO.:

AMERICA, :

MOSES TAYLOR HOSPITAL :

SCRANTON QUINCY HOSPITAL :

COMPANY, LLC, MICHAEL RYAN, :

D.O., GEISINTER COMMUNITY :

MEDICAL CENTER, GEISINGER :

MEDICAL CENTER, GEISINGER :

CLINIC, ANTHONY SAUTER, M.D., :

Defendants :

**NOTICE OF REMOVAL**

AND NOW, comes Peter J. Smith, United States Attorney for the Middle District of Pennsylvania, and G. Michael Thiel, Assistant U.S. Attorney on behalf of Defendants, Scranton Primary Health Care Center, Inc., and Cecilia R. Ventura, M.D., and hereby gives notice of the removal of the above-captioned matter from the Court of Common Pleas for Lackawanna County, Pennsylvania, to this Court, pursuant to

Title 28, United States Code, Section 2679. The United States is removing this action on the following grounds:

1. A civil action was filed against these Defendants and others in the Court of Common Pleas of Lackawanna County, Pennsylvania, which was docketed at Ramos v. Ventura, et al., No. 14-CV-6590. See complaint attached hereto as Exhibit A.

2. The Defendants named in the action are, among others, Scranton Primary Health Care Center, Inc., and Cecilia R. Ventura, M.D., an employee of Scranton Primary Health Care Center, Inc.

3. Pursuant to the provisions of the Federally Supported Health Centers Assistance Act (FSHCA) of 1992, 42 U.S.C. § 233(g)-(n), the United States Department of Health and Human Services has deemed Scranton Primary Health Care Center, Inc., and Cecilia R. Ventura, M.D., employees of the United States for purposes of the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671, et seq. See Deeming Letters attached hereto as Exhibit A.

4. The FSHCA extends FTCA coverage to the grantees that have been deemed covered under Section 233(h) and certain of its officers, employees, and contractors.

5. Section 28 U.S.C. § 2679(d)(2) provides that upon certification by the Attorney General that an employee of the United States was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action commenced in state court shall be removed.

6. The above-captioned action is one which may be removed without bond to this Court pursuant to subsection (d)(2) of Section 2679, Title 28, United States Code, for the reasons that (a) Plaintiff seeks a judgment for damages resulting from the allegedly negligent or wrongful act or omission of the Scranton Primary Health Care Center, Inc., and Cecilia R. Ventura, M.D.; (b) they were acting within the scope of their employment as employees of the United States when they were alleged to have provided medical care and treatment to Plaintiff; and (c) the remedy against the United States provided by Sections 1346(b) and 2672 of Title 28, United States Code, is therefore exclusive of any other

civil action or proceeding against the Scranton Primary Health Care Center, Inc., and Cecilia R. Ventura, M.D., for money damages by reason of this lawsuit.

7. The Attorney General has delegated certification authority to the United States Attorneys. 28 C.F.R. § 15.3. In turn, the United States Attorney for the Middle District of Pennsylvania has delegated certification authority to the Chief of the Civil Division, United States Attorney's Office.

8. Kate L. Mersheimer, Chief, Civil Division, United States Attorney's Office, has certified that these Defendants were acting within the scope of their employment when they allegedly provided medical care and treatment to Plaintiff. See Certification attached hereto as Exhibit C.

9. Notice of Filing this Notice of Removal has this day been caused to be filed with the Prothonotary of the Court of Common Pleas of Lackawanna County.

WHEREFORE, the United States respectfully gives notice that the above-captioned matter is hereby removed to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

PETER J. SMITH  
UNITED STATES ATTORNEY

/s G. Michael Thiel  
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Dated: April 16, 2015

**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania, and is a person of such age and discretion as to be competent to serve papers.

That on April 16, 2015, she served copies of the attached:

**NOTICE OF REMOVAL**

by placing said copy in a postpaid envelope addressed to the persons hereinafter named, at the places and addresses stated below, which is the last known addresses, and by depositing said envelopes and contents in the United States Mail at Scranton, Pennsylvania.

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